

**SENATE JOURNAL  
65TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 13, 2017

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/13/2017

Correctly printed: **SB 48, SB 73, SB 108, SB 132, SB 157, SB 230, SB 231, SB 232, SB 233, SB 234, SB 235, SB 236, SB 237, SB 238, HB 82, HB 91, HB 130, HB 172, HB 233, HB 262.**

Correctly engrossed: **SB 2, SB 78, SB 102, SB 179, SJ 6.**

Correctly enrolled: **SB 10, SB 41, SB 53, SB 68, SJ 2.**

Examined by the sponsor and found to be correct: **SB 10, SB 41, SB 53, SB 68, SJ 2.**

Transmitted to the House: **HB 135, HB 184.**

Signed by the President at 4:50 p.m., February 10, 2017: **SR 18, SR 19, SR 22.**

Signed by the Secretary of the Senate at 8:00 a.m., February 13, 2017: **SR 18, SR 19, SR 22.**

Delivered to the Secretary of State at 3:05 p.m., February 13, 2017: **SR 18, SR 19, SR 22.**

Senator Blasdel introduced the Pages for the coming week:

Max Mignot from Hamilton, sponsored by Senator Connell  
Craig Walker from Billings, sponsored by Senator Webb  
Omar Perez from Polson, sponsored by President Sales  
Kyla Biggs from Belgrade, sponsored by Senator Hinkle  
Bryen Martinez from Billings, sponsored by Senator Webb  
Abigail McGee from Butte, sponsored by Senator McClafferty

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair): 2/10/2017  
**SR 8**, be adopted.

**TAXATION** (Blasdel, Chair): 2/10/2017  
**SB 94**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "DEFINITIONS;"

**Insert:** "PROVIDING FOR REPAYMENT OF THE EXEMPTION; PROVIDING FOR A LIEN ON PROPERTY TO SECURE REPAYMENT; ESTABLISHING LIEN RECOVERY PROCEDURES; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR REPAYMENT TO THE STATE AND TAXING JURISDICTIONS;"

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2. Page 1, line 20.

**Strike:** "75%"

**Insert:** "150%"

3. Page 1, line 23.

**Strike:** "75%"

**Insert:** "150%"

4. Page 1, line 24.

**Strike:** "75%"

**Insert:** "150%"

5. Page 1, line 26.

**Following:** "taxation"

**Insert:** "subject to the lien and repayment provisions of [sections 2 through 10]"

6. Page 2, line 16.

**Following:** line 15

**Insert:** "(7) A property owner or member of the property owner's family that receives assistance under this section consents to a lien being filed under [section 2] for the purpose of repayment of the amount exempted."

**ReNUMBER:** subsequent subsections

**Strike:** "this section" on line 16

**Insert:** "[sections 1 through 10]"

7. Page 2, line 22.

**Strike:** "(7)(a)(i)"

**Insert:** "(8)(a)(i)"

8. Page 2, line 25.

**Following:** line 24

**Insert:** "(b) 'Member of the property owner's family' includes a spouse of a property owner, a lineal descendant of the property owner, a sibling of the property owner, or a child of a sibling of the property owner. An adopted individual is considered the child of an adopting parent or parents."

**ReNUMBER:** subsequent subsections

9. Page 3, line 5.

**Insert:** "NEW SECTION. Section 2. Repayment of assistance -- department lien upon real property -- conditions. (1) A property owner or member of the property owner's family that receives assistance under [section 1] shall reimburse the state in an amount equal to the amount of property taxes exempted. The department shall maintain an accounting of the total amount of taxes exempted by each property owner or member of the property owner's family and provide the amount to the public upon request. Interest charges do not accumulate on the reimbursement

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amount.

(2) The reimbursement is payable to the state upon sale, transfer, or exchange of any right, title, or interest of the property to anyone other than a member of the property owner's family. The department shall deposit reimbursements to the credit of the property tax exemption state special revenue account provided for in [section 10].

(3) For the purpose of subsection (2), a sale or transfer does not include:

(a) an instrument the effect of which is to transfer the property to the same party or parties;

or

(b) an instrument that, without added consideration, confirms, corrects, modifies, or supplements a previously recorded instrument.

(4) (a) The department shall impose a lien equal to the amount of property taxes exempted by [section 1]. A property owner or member of the property owner's family that receives assistance under [section 1] automatically consents to the lien for the purpose of repayment of the amount exempted.

(b) The lien attaches to the land and any improvements situated on the land that was exempted.

(c) The lien must contain:

(i) the name and address of the property owner or member of the property owner's family who owns an interest in the property;

(ii) a legal description of the property;

(iii) a statement that the lien is imposed to secure the described property for recovery of exempted property taxes under [section 1] prior to, on, and after the date of the lien; and

(iv) an address and telephone number of the office or representative of the department who can provide more information about the lien.

(d) The lien need not be executed by or on behalf of the property owner or member of the property owner's family, but it must be executed by an authorized agent or employee of the department. The execution must be acknowledged as provided in 70-21-203.

(e) The lien need not state the specific amount of property taxes exempted that are owed. The lien is sufficient to secure repayment of past, current, and future property taxes exempted under [section 1].

(f) The lien must be filed in the office of the clerk and recorder in the county in which the real property is located.

(g) Filing of the lien constitutes legal notice of the lien to all persons, including subsequent purchasers, encumbrancers, mortgagees, and other lienholders. Upon filing, the lien is prior to any earlier unrecorded interest or claim and is prior to any subsequent interest or claim, whether or not recorded. The lien is subject to any unpaid property taxes, any prior recorded mortgage, or any other prior recorded encumbrance, interest, or claim. For purposes of recovery of property taxes exempted under [section 1], a sale, transfer, or exchange of the property by the property owner or member of the property owner's family is considered a relinquishment of any homestead exemption under 70-32-201 and 70-32-202 of the property owner or member of the property owner's family in the property subject to the lien."

**Insert: "NEW SECTION. Section 3. Recovery of exempted property taxes secured by lien -- application for issuance of writ of execution.** (1) After the sale, transfer, or exchange of any right, title, or interest of property that received an exemption under [section 1] to anyone other than the property owner's family as provided in [section 2], the department may file with the clerk of the

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district court in the county in which the real property is located an application for issuance of a writ of execution for levy on the real property described in the lien pursuant to [section 2]. The levy may be for the amount of recoverable property tax exemptions received by the property owner or member of the property owner's family under [section 1] prior to, on, and after the date of the lien, including amounts exempted up to the date of sale of the property.

(2) The application for the writ must be sworn and must contain the following:

(a) the name of the property owner or member of the property owner's family, a legal description of the real property, and a description of the interest in the property;

(b) a statement that the department has imposed a lien on the property under [section 2];

(c) a statement that the lien complies with the requirements of [sections 1 through 10];

(d) the date on which the lien was filed and the office in which it was filed;

(e) a description of the sale, transfer, exchange, or other event that entitles the department to recover;

(f) the amount recoverable;

(g) the amount of any unreimbursed taxes or other costs paid;

(h) if applicable, a statement that additional amounts may be paid up to the time that the property is sold in satisfaction of the lien;

(i) a statement that the total amount due has not been paid as of the date of the application for the writ;

(j) a statement that recovery is not prohibited by this section;

(k) the names and addresses of all persons who have a recorded interest in the property, including a property owner or member of the property owner's family that received the property tax exemption or the property owner's estate, co-owner, purchaser, grantee, encumbrancer, mortgagee, and lienholder; and

(l) a request that a writ of execution be issued for sale of the described property if an action is not filed within the time provided for in [section 5].

(3) The filing of an application under this section for a writ of execution is not the filing of a legal action, and the requirements applicable to legal actions do not apply to the application or application proceedings."

**"NEW SECTION. Section 4. Notice of application -- proof of notice -- request for issuance of writ of execution.** (1) The department shall provide notice, as required by this section, of the filing of the application for a writ of execution pursuant to [section 3] to all persons having a recorded interest in the property or residing lawfully on the property.

(2) The notice must contain a description of the property and must state that the department has a lien under [section 1] and [section 2] on the described property, that the department has filed an application for a writ of execution seeking sale of the property, and that a writ will be issued unless an action challenging issuance of the writ has been filed in accordance with [section 5] within 60 days of the date of mailing or service of notice or first publication of notice. The department shall include with the notice a copy of the application for the writ.

(3) (a) The department may mail a copy of the notice, postage prepaid and return receipt requested, to the name and address stated in the recorded instrument creating each person's interest in the property or, in the case of a person residing on the property, to the address of the residence on the property. Mailing as provided in this subsection (3)(a) is sufficient notice to the addressee if the return receipt is returned to the department and indicates that the notice was received by or on behalf of the addressee.

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(b) If the return receipt is not returned to the department indicating that the notice was received by or on behalf of the addressee, the department shall attempt with reasonable diligence to locate the addressee and to personally serve or mail notice to that person.

(c) If after the exercise of reasonable diligence the department is unable to locate the person owning the interest in the property, the department shall publish the notice required by subsection (2) three times, once each week for 3 successive weeks, in a newspaper published in the county in which the property is located if a newspaper is published in the county. If a newspaper is not published in the county, then publication must be in a newspaper having a general circulation in the county.

(d) With respect to a person residing lawfully on the property but having no recorded interest in the property, the notice may be delivered to the residence and delivery is sufficient notice as to that person.

(e) In the alternative, the notice and application may be personally served upon any person entitled to notice under this section.

(4) (a) After giving notice as required by this section, the department shall file with the clerk of court an affidavit describing:

(i) the manner in which notice has been provided to each person entitled to notice;

(ii) the date of mailing, personal service, or first publication of the notice; and

(iii) the date by which each person is required to file an action to challenge issuance of the writ of execution.

(b) The department shall attach to the affidavit the return receipt, the affidavit of personal service, the affidavit of publication, or other proof of service of the notice. If no action has been filed within the time required by [section 5], the affidavit must so state and may request immediate issuance of the writ.

**Insert: "NEW SECTION. Section 5. Action to challenge issuance of writ of execution.** A person with a recorded interest in or residing lawfully upon the real property described in an application filed under [section 3], including the property owner's estate or a co-owner, purchaser, grantee, encumbrancer, mortgagee, or lienholder, may, within 60 days of mailing or service of notice or first publication of notice as provided in [section 4], file an action in the district court in the county in which the real property is located challenging the requested issuance of a writ of execution. The court shall determine the validity or invalidity of the department's lien and order appropriate relief, including issuance of the writ or denial of the application for issuance of the writ."

**"NEW SECTION. Section 6. Payment of amount due -- periodic payments -- substitute security.** (1) If the total amount due to the department to satisfy a lien imposed under [sections 1 through 9] is paid, the department may not file an application under [section 3], shall withdraw its application if the application has already been filed, or shall instruct the sheriff to cancel the sale proceedings.

(2) In lieu of applying for a writ of execution, the department may agree to accept periodic payments for the repayment of recoverable property taxes exempted or may agree to accept substitute security and partial payment. The department may agree to periodic payments or substitute security if the terms of agreement, including security for repayment, are acceptable to the department and if the agreement does not reduce the amount due or the likelihood of recovering the amount due. The department may delay filing an application for issuance of a writ of execution for purposes of conducting negotiations for an agreement in lieu of execution.

**Insert: "NEW SECTION. Section 7. Issuance of writ of execution by clerk of court.** (1) If the

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requirements of subsection (2) are met, the clerk of court shall issue a writ of execution specifying the property to be levied upon, the amount due as of the date of filing of the application, and a statement that additional amounts may be due up to and through the date of the sale.

(2) The clerk shall issue the writ if:

(a) (i) an action has not been filed under [section 5] within 60 days of mailing, service, or first publication of notice, as provided in [section 4];

(ii) the department has filed an affidavit meeting the requirements of [section 4(4)]; and

(iii) the department has filed a sworn application containing the statements required by [section 3]; or

(b) the court has ordered the issuance of the writ in an action under [section 5]."

**Insert: "NEW SECTION. Section 8. Effect of sale -- title acquired -- no further personal liability for property owner.** (1) The purchaser of property pursuant to a writ of execution issued under [sections 1 through 9] acquires the right, title, interest, and claim that the property owner or member of the property owner's family had at the time the lien was imposed, subject only to any right, title, interest, or claim arising from an instrument recorded prior to the department's lien under [section 1] and [section 2] and to any unpaid property taxes. The sale is absolute and is not subject to any period of redemption allowed by Title 25, chapter 13, part 8, or other law.

(2) After a sale of property pursuant to a writ of execution issued under [sections 1 through 9], the property owner and any member of the property owner's family are not personally liable for repayment of the property tax exemptions received under [section 1], regardless of whether the proceeds of the sale are sufficient to pay off the amount exempted under [section 1]."

**Insert: "NEW SECTION. Section 9. Disposition of sale proceeds.** (1) The proceeds of a sale of property sold pursuant to a writ of execution issued under [section 7] must be distributed in the following order:

(a) as satisfaction of any unpaid property taxes and prior recorded interests as described in [section 2(4)(g)];

(b) to the department for application to any costs incurred in collection;

(c) to the department for deposit in the state special revenue account provided for in [section 10], an amount equal to the amount of property taxes exempted under [section 1].

(2) Any excess funds remaining after application of proceeds under subsection (1) must be paid to the property owner or member of the property owner's family, if living, or otherwise to the representative or successor in interest."

**Insert: "NEW SECTION. Section 10. Property tax exemption state special revenue account.** (1) There is a property tax exemption account in the state special revenue fund. The department shall administer the account.

(2) There must be deposited in the account money received in repayment of property taxes exempted under [section 1].

(3) (a) The money in the account must be allocated to the taxing jurisdictions where property taxes were exempted under [section 1].

(b) Subject to 15-10-420, the amount allocated must be remitted to taxing jurisdictions and the state in a proportional amount based on total mills levied in the taxing jurisdiction. The state portion must be deposited in the general fund.

(4) The remittance provided for in this section to taxing jurisdictions is subject to legislative appropriation to the department for distribution to taxing entities."

**Renumber:** subsequent sections

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10. Page 7, line 25.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 through 10] are"

11. Page 7, line 26.

**Strike:** "[section 1]"

**Insert:** "[sections 1 through 10]"

And, as amended, do pass.

**HB 112**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

February 10, 2017

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

**Board of Public Assistance**

*MCA 2-15-2203*

! Amy Christensen, 314 N. Last Chance Gulch, Suite 300, Helena, MT 59601, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Christensen fulfills the qualifications of Attorney and Chair, on the board.

! Marianne Roose, PO Box 532, Eureka, MT 59917, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Roose fulfills the qualifications of Public Representative on the board.

**Transportation Commission**

*MCA 2-15-2502*

! Greg Jergeson, PO Box 1568, Chinook, MT 59523, was appointed to serve a term starting February 10, 2017 and ending January 1, 2021. Jergeson fulfills the

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qualifications of District 3, Democrat on the board.

- ! Dave Schulz, PO Box 252, Sheridan, MT 59749, was appointed to serve a term starting February 10, 2017 and ending January 1, 2021. Schulz fulfills the qualifications of District 2, Independent on the board.
  
- ! Barb Skelton, 7256 US Highway 3, Billings, MT 59106, was reappointed to serve a term starting February 10, 2017 and ending January 1, 2021. Skelton fulfills the qualifications of District 5, Democrat and Chair on the board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process. Thank you.

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/10/2017

**HB 152**, introduced by T. Welch  
**HB 209**, introduced by B. Usher  
**HB 211**, introduced by B. Hamlett  
**HB 226**, introduced by Z. Perry  
**HB 288**, introduced by B. Bennett  
**HB 306**, introduced by B. Harris  
**HB 342**, introduced by R. Fitzgerald

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 239**, introduced by R. Webb, referred to Judiciary.  
**SB 240**, introduced by E. Buttrey, referred to State Administration.  
**SB 241**, introduced by E. Buttrey, referred to Highways and Transportation.  
**SB 242**, introduced by S. Malek, referred to Education and Cultural Resources.  
**SB 243**, introduced by P. Connell, referred to Business, Labor, and Economic Affairs.

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The following House bills were introduced, read first time, and referred to committees:

**HB 152**, introduced by T. Welch, referred to Highways and Transportation.

**HB 209**, introduced by B. Usher, D. Ankney, D. Bartel, S. Berglee, M. Blasdel, R. Brodehl, B. Brown, D. Brown, Z. Brown, G. Custer, W. Galt, E. Hill Smith, D. Howard, L. Jones, A. Knudsen, C. Knudsen, D. Lenz, D. Loge, F. Mandeville, K. McCarthy, D. Mortensen, R. Osmundson, J. Patelis, R. Peppers, V. Ricci, T. Richmond, M. Ryan, C. Schreiner, R. Shaw, D. Skees, J. Small, F. Smith, S. Stewart-Peregoy, J. Trebas, B. Tschida, G. Vance, P. Webb, J. Welborn, J. Windy Boy, D. Zolnikov, Ryan, referred to Taxation.

**HB 211**, introduced by B. Hamlett, P. Connell, A. Doane, M. Lang, A. Redfield, R. Shaw, referred to Fish and Game.

**HB 226**, introduced by Z. Perry, referred to Taxation.

**HB 288**, introduced by B. Bennett, B. Beard, G. Custer, F. Garner, E. Greef, A. Hertz, G. Hertz, M. Hopkins, S. Morigeau, J. Trebas, referred to State Administration.

**HB 306**, introduced by B. Harris, D. Bartel, B. Beard, R. Brodehl, B. Brown, M. Cuffe, A. Doane, R. Ehli, K. Flynn, F. Garner, C. Glimm, E. Greef, A. Knudsen, D. Lenz, S. Staffanson, J. Trebas, K. White, referred to Judiciary.

**HB 342**, introduced by R. Fitzgerald, B. Beard, B. Brown, R. Cook, W. Curdy, A. Curtis, J. Fleming, E. Greef, B. Hoven, L. Jones, G. Kipp, D. Lenz, T. Manzella, J. O'Hara, G. Pierson, J. Price, W. Sales, D. Salomon, D. Sands, R. Shaw, B. Smith, F. Smith, G. Vuckovich, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 55** - Senator Salomon moved **SB 55** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Swandal, Vuckovich, Welborn, Whitford, Wolken.

Total 29

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Moore, Regier, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 21

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**HB 26** - Senator Facey moved consideration of **HB 26** be placed at the bottom of the second reading board. Without objection, so ordered.

**SB 120** - Senator Swandal moved **SB 120** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 106** - Senator Salomon moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Whitford, Wolken.  
Total 35

Nays: Blasdel, Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Regier, Smith C, Vance, Vincent, Webb, Welborn, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 41** - Senator Buttrey moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 92** - Senator Buttrey moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, MacDonald, Malek, McClafferty, McNally, Moore, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.  
Total 34

Nays: Brown, Fielder, Hinebauch, Hinkle, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Vincent, Webb, Mr.President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 141** - Senator Facey moved **HB 141** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, Fitzpatrick, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Swandal, Vuckovich, Whitford, Wolken.  
Total 21

Nays: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.  
Total 29

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 141** - Majority Leader Thomas moved **HB 141** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Boland, Brown, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 38

Nays: Barrett, Caferro, Gross, Hoven, MacDonald, Malek, McClafferty, Pomnichowski, Sesso, Smith F, Whitford, Wolken.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 241** - Senator Boland moved **HB 241** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: Howard.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 113** - Senator Moore moved **SB 113** do pass.

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**SB 113** - Senator Moore moved **SB 113**, second reading copy, be amended as follows:

1. Page 4, line 2.

**Following:** "member"

**Insert:** "  
(A)"

2. Page 4, line 3.

**Following:** "information"

**Insert:** "; and

(B) receives from the department an orientation of the content and structure of the records"

3. Page 4, line 6.

**Following:** line 6

**Insert:** "(c) Access to records requested pursuant to this subsection (4) is limited to 6 months from the date the written request to review records was received by the department."

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 113** - Bill, as amended passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Swandal, Thomas, Vincent, Webb, Welborn, Wolken.  
Total 27

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Whitford, Mr.President.

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Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 111** - Senator Gross moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 153** - Senator MacDonald moved **SB 153** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.  
Total 45

Nays: Keenan, Smith C, Vance, Vincent, Mr.President.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 26** - Senator Facey moved **HB 26** be concurred in. Motion carried as follows:

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Yeas: Ankney, Barrett, Boland, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hoven, Howard, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 34

Nays: Blasdel, Brown, Buttrey, Fielder, Fitzpatrick, Hinebauch, Hinkle, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance, Vincent, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: Kary.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 48** passed as follows:

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Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.  
Total 39

Nays: Caferro, Cohenour, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Sesso, Smith F, Whitford.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 73** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: Gross.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 108** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: Fitzpatrick.  
Total 1

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 157** passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gross, Hoven, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Welborn, Whitford, Wolken.

Total 29

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Howard, Jones, Kary, Keenan, Lang, Regier, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Mr.President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 82** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 91** concurred in as follows:

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Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.  
Total 40

Nays: Blasdel, Fielder, Hinebauch, Hinkle, Keenan, Smith C, Vance, Vincent, Webb, Mr.President.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 130** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 172** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 233** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 14, 2017, the 32nd legislative day. Motion carried.

Senate adjourned at 2:28 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate